

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-cr-00129-DGK-1
)	
WILLIAM LEE DELA CRUZ,)	
)	
Defendant.)	

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

Now before the Court is U.S. Magistrate Judge Lajuana M. Counts’s report and recommendation (Doc. 52) that the Court enter an order finding that Defendant William Lee DeLa Cruz has been restored to competency. The Court previously found Defendant incompetent and committed him to the custody of the Attorney General for a determination of whether, in the foreseeable future, he would attain the capacity to permit the trial to proceed. Defendant began receiving psychological treatment, and, at a January 2019 status conference, the Government and counsel for Defendant agreed that treatment should continue for an additional four months.

A forensic evaluation prepared by Dr. Robert E. Cochrane, Psy.D, ABPP, was filed with the Court in June. In it, Dr. Cochrane opined that Defendant is now competent to stand trial. The Government and counsel for Defendant appeared before Judge Counts and stipulated that, if called, Dr. Cochrane would testify consistent with his evaluation. Judge Counts then issued her report and recommendation, to which neither party objected, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2).

After carefully reviewing the Magistrate’s report and conducting an independent review of the record and applicable law, *see* L.R. 74.1(b), the Court ADOPTS the report and

recommendation and finds Defendant competent to stand trial.

IT IS SO ORDERED.

Date: August 19, 2019

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT